IFW



I hereby certify that this correspondence is being deposited with the United States Postal Services on the date set forth below as First Class Mail in an envelope addressed to: Commissioner for Patents, P.Q. Box 1450, Alexandria, VA 22313-1450.

Date of Signature

and Deposit:

ean C. Baker, Reg. No. 35,433

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Peter Gilbert, et al.

Serial No.:

10/811,651

Filed:

March 29, 2004

For:

ENGINEERED BACTERIAL AGGREGATES

Group Art Unit:

--

Examiner:

Commissioner For Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. 1.98, enclosed herewith is a list of documents which the Applicants in the above-identified patent application wish to bring to the attention of the Examiner for consideration in connection with the examination on the merits of this patent application.

U.S. Patent Documents

5,348,867; Georgiou, et al.; September 20, 1994.

5,480,559; Smisson; January 2, 1996.

5,759,799; Grosso; June 2, 1998.

5,807,735; Klibanov, et al.; September 15, 1998.

5,851,794; Guss, et al.; December 22, 1998.

6,136,771; Taylor, et al.; October 24, 2000.

6,159,447; Budny, et al.; December 12, 2000.

5657544_1.DOC

6,277,610; Grae; August 21, 2001.

6,472,358; Richter, et al.; October 29, 2002.

6,541,194; DiCesare; April 1, 2003.

6,548,018; DiCesare, et al.; April 15, 2003.

2001/0046687; DiCesare; November 29, 2001.

2002/0018986; DiCesare; February 14, 2002.

2002/0019037; Caldwell, et al.; February 14, 2002.

2002/0031819; Coates, et al.; March 14, 2002.

2002/0037259; Budny, et al.; March 28, 2002.

2002/0048611; Ofek, et al.; April 25, 2002.

RE37,793; Domenico; July 16, 2002.

2002/0168734; Grae; November 14, 2002.

2002/0187105; Zou, et al.; December 12, 2002.

2003/0018166; Sacchettini, et al.; January 23, 2003.

2003/0035752; Aksenov, et al.; February 20, 2003.

2003/0045685; Tian, et al.; March 6, 2003.

2003/0059867; Lewis, et al.; March 27, 2003.

2003/0091565; Beltzer, et al.; May 15, 2003.

2003/0091641; Tiller, et al.; May 15, 2003.

2003/0105143; Ammendola, et al.; June 5, 2003.

2003/0109057; DiCesare, et al.; June 12, 2003.

2003/0-109440; Chu, et al.; June 12, 2003.

2003/0118541; Lewis, et al.; June 26, 2003.

2003/0119185; Berenson, et al.; June 26, 2003.

Foreign Patents

WO 87/0645; Coates, et al.; December 17, 1987.

WO 98/14784; Lewis, et al.; April 9, 1998.

WO 02/15896; Lewis; February 28, 2002.

WO 02/081699; Morris, et al.; October 17, 2002.

WO 02/085542; Tiller, et al.; October 31, 2002.

Other Documents

- S. Abaas, "Binding of Lectins to Streptococcus mitis Cells," Acta. Path.

 Microbiol. Immunol. Scand. Sect. B, 93:15-20, 1985.
- A. Brooun, et al., "A Dose-response Study of Antibiotic Resistance in *Pseudomonas aeruginosa* Biofilms," 44(3):640-646, 2000.
- D.R. Hill, et al., "Lectin Binding by Giardia lamblia," Infect. Immun. 34(3):733-738, 1981.
- Y. Hu and A.R.M. Coates, "Tuberculosis," Dormancy and Low-growth States in Microbial Disease, Advances in Molecular and Cellular Microbiology, Cambridge University Press, pp. 181-207, 2003.
- K. Lewis, "Multidrug Resistance: Versatile Drug Sensors of Bacterial Cells," Curr. Biol. 9(11):R403-R407, 1999.
- A.H. Rickard, et al., "Bacterial Coaggregation: An Integral Process in the Development of Multi-species Biofilms," <u>Trends Microbiol.</u> 11(2):94-100, 2003.
- A.W. Smith and R.W. Brown, "Biofilms, Dormancy and Resistance," Cambridge University Press, pp. 161-179, 2003.
- A.L. Spoering and K. Lewis, "Biofilms and Planktonic Cells of *Pseudomonas aeruginosa* Have Similar Resistance to Killing by Antimicrobials," <u>J. Bact.</u> 183(23):6746-6751, 2001.

M. Stratford, "Yeast Flocculation: Receptor Definition by mnn Mutants and Concanavalin A," Yeast 8:635-645, 1992.

M. Stratford, "Yeast Floculation: Floculation Onset and Receptor Availability," Yeast 9:85-94, 1993.

No fees are believed necessary to enter this Statement. However, if any fees are necessary please charge Deposit Account 17-0055.

Respectfully submitted,

Peter Gilbert, et al.

November 15, 2004

Jean C. Baker

Reg. No. 35,433

Quarles & Brady LLP

41 East Wisconsin Avenue Milwaukee, WI 53202-4497

(414) 277-5709



PTO/SB/08A (08-00)
Approved for use through 10/31/2002.
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number 10/811,651

Filing Date March 29, 2004

First Named Inventor Peter Gilbert

Group Art Unit

Examiner Name

Sheet 1 of 3 Attorney Docket Number 510009.94030

U.S. PATENT DOCUMENTS									
Examiner Initials	Cite No.1	U.S. Patent Docume Kind Co Number (if know	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear				
		5.348.867	Georgiou, et al.	9/20/1994					
		5,480,559	Smisson	1/2/1996					
		5.759.799	Grosso	6/2/1998					
		5.807.735	Klibanov. et al.	9/15/1998					
		5.851.794	Guss. et al.	12/22/1998					
		6,136,771	Taylor, et al.	10/24/2000					
		6,159,447	Budnv. et al.	12/12/2000					
		6,277,610	Grae	8/21/2001					
		6,472,358	Richter, et al.	10/29/2002					
		6,541,194	DiCesare	4/1/2003					
		6,548,018	DiCesare, et al.	4/15/2003					
		2001/0046687	DiCesare	11/29/2001					
		2002/0018986	DiCesare	2/14/2002					
		2002/0019037	Caldwell, et al.	2/14/2002					
		2002/0031819	Coates, et al.	3/14/2002					
		2002/0037259	Budny, et al.	3/28/2002					
		2002/0048611	Ofek, et al.	4/25/2002					
		RE37,793	Domenico	7/16/2002					
		2002/0168734	Grae	11/14/2002					
		2002/0187105	Zou, et al.	12/12/2002					

		,			EIGN PATENT DOCUMEN	15	"	
Examiner Initials*	Cite No. ¹	Office ²	Foreign Patent Do Number4	cument Kind Code ⁵ (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T6
		wo	87/0645		Coates, et al.	12/17/1987		T
		wo	98/14784		Lewis, et al.	4/9/1998		
		wo	02/15896		Lewis	2/28/2002		1
		wo	09/081699		Morris, et al.	10/17/2002		1
		wo	02/085542		Tiller, et al.	10/31/2002		
								╁

Examiner	Date	
Signature	Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Please type a plus sign (+) inside this box 🖚	+
---	---

PTO/SB/08A (08-00)
Approved for use through 10/31/2002.

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid QMB control number.

Substit	ute for form 1449A/PT	0		Complete if Known			
	001147101			Application Number	10/811,651		
INFORMATION DISCLOSURE				Filing Date	March 29, 2004		
STA	ATEMENT B	SY /	APPLICANT	First Named Inventor	Peter Gilbert		
				Group Art Unit			
	(use as many she	ets a	s necessary)	Examiner Name			
Sheet	2	of	3	Attorney Docket Number	510009.94030		

				U.S. PATENT DOCI	JMENTS	
Examiner Initials*	Cite No.1	U.S. Patent Number	Document Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		2003/0018	166	Sacchettini, et al.	1/23/2003	
		2003/0035	752	Aksenov, et al.	2/20/2003	
		2003/0045	685	Tian, et al.	3/6/2003	
		2003/0059	867	Lewis. et al.	3/27/2003	
		2003/0091	565	Beltzer. et al.	5/15/2003	
		2003/0091	641	Tiller. et al.	5/15/2003	
		2003/0105	143	Ammendola, et al.	6/5/2003	
		2003/0109	057	DiCesare, et al.	6/12/2003	
		2003/0109	440	Chu, et al.	6/12/2003	
		2003/0118	541	Lewis, et al.	6/26/2003	
		2003/0119	185	Berenson, et al.	6/26/2003	
	-					
		1			1	

FOREIGN PATENT DOCUMENTS										
Examiner Initials*	0:1-	F	oreign Patent Do	cument	Nome of Detector or	Date of Publication of	Pages, Columns, Lines,	Т		
	Cite No. ¹	Office ³	Number ⁴	Kind Code ⁵ (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Where Relevant Passages or Relevant Figures Appear	7		
		<u> </u>								
		<u> </u>						\perp		
						<u></u>				
		 					 	1		
		 - -			······································		-,,	+		
		 				-		╀		
		 						╀		
		t 		- -		 		+		
						 		+		

$\overline{}$		
Examiner	Date	
Signature	Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Please	type a	plus	sign (+)	inside this	box	→	+

PTO/SB/08B (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitu	ite for form 1449B/PT	 D		Complete if Known		
				Application Number	10/811,651	
INF	ORMATION	N D	ISCLOSURE	Filing Date	March 29, 2004	
STATEMENT BY APPLICANT				First Named Inventor	Peter Gilbert	
			,	Group Art Unit		
	(use as many s	sheet	s as necessary)	Examiner Name	1	
Sheet	3	of	3	Attorney Docket Number	510009.94030	

		OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.							
		S. Abaas, "Binding of Lectins to Streptococcus mitis Cells," Acta. Path. Microbiol. Immunol. Scand. Sect. B, 93:15-20, 1985.						
		A. Brooun, et al., "A Dose-response Study of Antibiotic Resistance in Pseudomonas aeruginosa Biofilms," 44(3):640-646, 2000.						
		D.R. Hill, et al., "Lectin Binding by Giardia lamblia," Infect. Immun. 34(3):733-738, 1981.						
-		Y. Hu and A.R.M. Coates, "Tuberculosis," Dormancy and Low-growth States in Microbial Disease, Advances in Molecular and Cellular Microbiology, Cambridge University Press, pp. 181-207, 2003.						
		K. Lewis, "Multidrug Resistance: Versatile Drug Sensors of Bacterial Cells," Curr. Biol. 9(11):R403-R407, 1999.						
		A.H. Rickard, et al., "Bacterial Coaggregation: An Integral Process in the Development of Multi-species Biofilms," Trends Microbiol. 11(2):94-100, 2003.						
		A.W. Smith and R.W. Brown, "Biofilms, Dormancy and Resistance," Cambridge University Press, pp. 161-179, 2003.						
		A.L. Spoering and K. Lewis, "Biofilms and Planktonic Cells of Pseudomonas aeruginosa Have Similar Resistance to Killing by Antimicrobials," J. Bact. 183(23):6746-6751, 2001.						
		M. Stratford, "Yeast Flocculation: Receptor Definition by mnn Mutants and Concanavalin A," Yeast 8:635-645, 1992.						
		M. Stratford, "Yeast Flocculation: Floculation Onset and Receptor Availability," Yeast 9:85-94, 1993.						

Examiner	Date	
Signature	Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.